The following Listing of Claims will replace all prior versions, and listings, of claims in the application.

**LISTING OF CLAIMS:**

1. (Previously Presented) A solid electrolyte type fuel cell comprising:

a cell module including a cell stack that generates electricity from a fuel gas and an oxygen-containing gas, and a burning section that contacts and burns remaining fuel gas and oxygen-containing gas from said cell stack;

a heat recovery path disposed around said cell module that recovers heat loss from said cell module;

a heat exchanger that exchanges heat using burned waste gas from said cell module; and

a branch flow rate regulating part that branches supplied fluid to said cell stack, said supplied fluid being one of the fuel gas and the oxygen-containing gas, and said branch flow regulating part supplying said supplied fluid to

a first flow path that supplies said supplied fluid from said branch flow regulating part to said cell stack through said heat exchanger, and

a second branch flow path that supplies said supplied fluid from said branch flow regulating part to said heat recovery path, said heat recovery path being connected to said cell stack to supply said supplied fluid from said second branch flow path to said cell stack after recovering heat loss from said cell module,

said branch flow regulating part regulating a flow rate of said supplied fluid into said second branch flow path.

2. (Previously Presented) The solid electrolyte type fuel cell according to claim 1, wherein

said branch flow rate regulating part increases a ratio of said flow rate of said supplied fluid to said second branch flow path relative to overall flow rate in response to partial-load operation or standby operation being conducted by said solid electrolyte type fuel cell.

3. (Previously Presented) The solid electrolyte type fuel cell according to claim 1, wherein

said heat recovery path is formed across a plurality of layers with reference to said cell module.

4. (Previously Presented) The solid electrolyte type fuel cell according to claim 1, wherein

said heat recovery path further surrounds said heat exchanger.

5. (Previously Presented) The solid electrolyte type fuel cell according to claim 1, wherein

said cell module further houses said heat exchanger.

6. (Previously Presented) The solid electrolyte type fuel cell according to claim 1, wherein

said heat recovery path further surrounds a vaporizer that vaporizes said fuel gas added with water.

7. (Previously Presented) The solid electrolyte type fuel cell according to claim 1, wherein

said cell module further houses a vaporizer that vaporizes said fuel gas added with water.

8. (Cancelled)

9. (Previously Presented) The solid electrolyte type fuel cell according to claim 2, wherein

said heat recovery path is formed across a plurality of layers with reference to said cell module.

10. (Previously Prcsented) The solid electrolyte type fuel cell according to claim 2, wherein

said heat recovery path further surrounds said heat exchanger.

11. (Previously Presented) The solid electrolyte type fuel cell according to claim 2, wherein

said cell module further houses said heat exchanger.

12. (Previously Presented) The solid electrolyte type fuel cell according to claim 2, wherein

said heat recovery path further surrounds a vaporizer that vaporizes said fuel gas added with water.

13. (Previously Presented) The solid electrolyte type fuel cell according to claim 2, wherein

said cell module further houses a vaporizer that vaporizes said fuel gas added with water.

14. (Previously Presented) The solid electrolyte type fuel cell according to claim 3, wherein

said heat recovery path further surrounds said heat exchanger.

15. (Previously Presented) The solid electrolyte type fuel cell according to claim 3, wherein

said cell module further houses said heat exchanger.

16. (Previously Presented) The solid electrolyte type fuel cell according to claim 3, wherein

said heat recovery path further surrounds a vaporizer that vaporizes said fuel gas added with water.

17. (Previously Presented) The solid electrolyte type fuel cell according to claim 3, wherein

said cell module further houses a vaporizer that vaporizes said fuel gas added with water.

18. (Previously Presented) The solid electrolyte type fuel cell according to claim 4, wherein

said heat recovery path further surrounds a vaporizer that vaporizes said fuel gas added with water.

19. (Previously Presented) The solid electrolyte type fuel cell according to claim 4, wherein

said cell module further houses a vaporizer that vaporizes said fuel gas added with water.